

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SANDRA JEAN MILLER,

Plaintiff,

v.

**NANCY A. BERRYHILL, Acting
Commissioner of Social Security,**

Defendant.

Case No. CIV-18-523-G

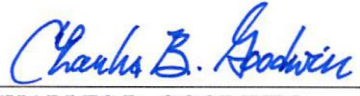
ORDER

On October 26, 2018, the Court entered an Order and a Judgment reversing the decision of the Social Security Administration and remanding this case for further proceedings. *See* Doc. Nos. 21, 22. Now before the Court is Plaintiff Sandra Jean Miller's Motion for Attorney's Fees under the Equal Access to Justice Act, 28 U.S.C. §§ 2412 et seq. *See* Pl.'s Mot. (Doc. No. 23). Defendant has notified the Court that she has no objection to Plaintiff's request. *See* Def.'s Resp. (Doc. No. 24).

Having considered Plaintiff's unopposed request and the relevant record, the Court finds that: "(1) [P]laintiff is a 'prevailing party'; (2) the position of the United States was not 'substantially justified'; and (3) there are no special circumstances that make an award of fees unjust" in this case. *Hackett v. Barnhart*, 475 F.3d 1166, 1172 (10th Cir. 2007) (quoting 28 U.S.C. § 2412(d)(1)(A)). Accordingly, the Court GRANTS Plaintiff's request and awards fees in the amount of \$1850.00, with said amount to be paid directly to Plaintiff and sent in care of Kenneth R. Massey, 1507 N. Shawnee Avenue, Shawnee, Oklahoma, 74804. If attorney's fees are also awarded under 42 U.S.C. § 406(b), Plaintiff's counsel

shall refund the smaller award to Plaintiff in accordance with *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED THIS 6th day of March, 2019.



CHARLES B. GOODWIN
United States District Judge